

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA, :  
Plaintiff, :  
 :  
vs. : No. SA:18-CR-043-DAE-1  
 : San Antonio, Texas  
Richard Nikolai Gratkowski(1), : December 19, 2018  
Defendant. :  
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TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE DAVID A. EZRA  
SENIOR UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE PLAINTIFF:

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FOR THE DEFENDANT:

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COURT REPORTER:

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computer-aided transcription.

1 (Wednesday, December 19, 2018, 10:22 a.m.)

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3 COURT SECURITY OFFICER: All rise.

4 THE COURT: Please be seated. Counsel want to make  
5 their appearances please.

6 MS. THOMPSON: Tracy Thompson appearing on behalf of  
7 the United States. Your Honor, we're ready to proceed.

8 MS. DOUENAT: Your Honor, Marina Douenat on behalf of  
9 Mr. Gratkowski and we're ready to proceed as well.

10 THE COURT: The Court understands that the parties  
11 have reached a conditional plea agreement pursuant to Rule  
12 11c(1) (a) (b) of the Federal Rules of Criminal Procedure, am I  
13 right?

14 MS. THOMPSON: That's correct, Your Honor.

15 MS. DOUENAT: Yes, Your Honor.

16 THE COURT: And generally as we -- without getting  
17 into too much detail, it's my understanding that the defendant  
18 intends to conditionally plead guilty to the charges, reserving  
19 the right to appeal the portions of this Court's motion to  
20 suppress order which do not favor his position.

21 MS. DOUENAT: Correct, Your Honor.

22 THE COURT: And the government agrees with that?

23 MS. THOMPSON: Yes, Your Honor.

24 THE COURT: All right. So due to my voice today, I'm  
25 going to be referring this matter to Judge Bemporad and my

1 understanding is that Judge Bemporad is ready to take his plea  
2 unless there is some objection to that.

3 MS. DOUENAT: None, Your Honor.

4 MS. THOMPSON: None from the government.

5 THE COURT: And you agree with all of this,  
6 Mr. Gratkowski?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Has anybody threatened you, coerced you or  
9 intimidated you in any way, shape or form to plead guilty,  
10 giving up your right to a jury trial in this case?

11 THE DEFENDANT: No, Your Honor.

12 THE COURT: Has anything I have said or done  
13 encouraged you in any way, shape or form to plead guilty?

14 THE DEFENDANT: No, Your Honor.

15 THE COURT: Okay. You can be seated. All right, so  
16 we will stand in recess in this matter. In anticipation of his  
17 guilty plea, can we have a sentencing date?

18 COURTROOM DEPUTY CLERK: March 25th, 2019.

19 THE COURT: March 25th of 2019.

20 COURTROOM DEPUTY CLERK: At 9:00 a.m.

21 THE COURT: At 9:00 a.m. If we run into a problem,  
22 we'll move it.

23 MS. DOUENAT: Week before my Ironman. That's good.  
24 April 7th is my --

25 THE COURT: Which Ironman?

1 MS. DOUENAT: It's Galveston. I'm doing Arizona in  
2 November. The full Ironman is in November, my half Ironman is  
3 in April.

4 THE COURT: I would ask the marshals to take the  
5 defendant up to Judge Bemporad's. And I thank you all very  
6 much and the Court will see you back in March in this case.

7 MS. THOMPSON: Thank you, Your Honor.

8 MS. DOUENAT: Thank you, Your Honor.

9 COURT SECURITY OFFICER: All rise.

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11 (10:26 a.m.)  
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UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter. I further certify that the transcript fees and format comply with those prescribed by the Court and the Judicial Conference of the United States.

Date signed: June 28, 2019

/s/ Angela M. Hailey

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